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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Andorra, Antigua and Barbuda, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, Nepal, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session,[2]

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[1] Official Records of the General Assembly, Fifty-second Session, Supplement No. 12 (A/52/12).

[2] A/52/12/Add.1; see Official Records of the General Assembly, Fifty-second Session, Supplement No. 12A.

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Recalling its resolution 51/75 of 12 December 1996,

Reaffirming the fundamental importance of the 1951 Convention[1] and the 1967 Protocol[2] relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, and noting with satisfaction that one hundred and thirty-five States are now parties to one or both instruments,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and deploring the deaths of staff members as a consequence of violent events in several countries around the world,

1. Endorses the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its forty-eighth session;[3]

2. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees;

3. Deplores the immense human suffering and loss of life that have accompanied refugee flows and other forced displacements, in particular numerous serious threats to the security or well-being of refugees, refoulement, unlawful expulsion, physical attacks and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers in accordance with internationally recognized human rights and humanitarian norms;

4. Emphasizes that refugee protection is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

5. Reaffirms that everyone is entitled to seek and enjoy in other countries asylum from persecution and, as asylum is an indispensable instrument for the international protection of refugees, calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international human rights, humanitarian and refugee law;

6. Stresses the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and urges all States

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[1] United Nations, Treaty Series, vol. 189, No. 2545.

[2] Ibid., vol. 606, No. 8791.

and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate in efforts to lighten the burden borne by those States that have received large numbers of asylum-seekers and refugees;

7. Condemns all acts that pose a threat to the personal security of refugees and asylum-seekers, and calls upon States of refuge, with international organizations where appropriate, to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained, inter alia, through effective measures to prevent the infiltration of armed elements, the identification of any such armed elements and their separation from refugee populations, the settlement of refugees in secure locations and the affording to the Office of the High Commissioner and other appropriate humanitarian organizations of prompt, unhindered and safe access to those populations, as well as to abstain from any activities likely to undermine such measures;

8. Calls upon States and all concerned parties to refrain from any actions that could prevent or obstruct the High Commissioner's staff and other humanitarian personnel in the performance of the functions required under their mandates, to take all possible measures to safeguard the physical security and property of those staff, to investigate fully any crime committed against them, to bring to justice persons responsible for such crimes and to facilitate the discharge of the mandated functions of the Office of the High Commissioner as well as of other humanitarian organizations;

9. Urges all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and welcomes in particular the ongoing efforts of her Office to pursue, wherever possible, opportunities to promote conditions conducive to the preferred solution of voluntary repatriation;

10. Recognizes the value of comprehensive regional approaches in which the High Commissioner has played a significant role in both countries of origin and countries of asylum, and encourages States, in coordination and cooperation with each other and with international organizations, if applicable, to consider adopting protection-based comprehensive and regional approaches that conform fully to universally recognized standards and respond to particular regional initiatives, circumstances and protection needs;

11. Reaffirms that voluntary repatriation is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and with dignity;

12. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of

their nationals who have sought asylum but have been determined not to be refugees;

13. Calls upon all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies, urges the Office of the High Commissioner, within its mandate and at the request of any Government concerned, in view of the relationship between safeguarding human rights and preventing conditions that give rise to refugee outflows, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights and also urges the Office of the High Commissioner, in view of creating conditions furthering reconciliation and long-term development in countries of return, to strengthen its cooperation and coordination with relevant development agencies;

14. Calls upon States to adopt an approach that is sensitive to gender-related concerns and to ensure that women are recognized as refugees whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including persecution through sexual violence or other gender-related persecution, and encourages the Office of the High Commissioner to continue and strengthen its efforts towards the protection of refugee women;

15. Urges States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of child and adolescent refugees and, noting the particular vulnerability of refugee children in terms of their being forcibly exposed to the risks of injury, exploitation and death in connection with armed conflict, urges all States and concerned parties to take all possible measures to protect child and adolescent refugees, including, in particular, from all forms of violence, exploitation and abuse, and to prevent their separation from their families;

16. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States, in particular developing countries, countries in transition and countries with limited resources, that, owing to their location, host large numbers of refugees and asylum-seekers, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are fully met.